

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA

Henry Pierce,

Plaintiff,

vs.

C/A No. 4:11-2972-TLW-TER

Derrick Sentell Smith, individually and in his official  
capacity as Police Officer for the City of Marion Police  
Department; Franklin Delano Brown Jr., individually and  
in his official capacity as Police Officer for the City of Marion  
Police Department; Ernie Grace, individually and in his  
official capacity as Police Officer for the City of Marion  
Police Department; Michael Haberstick, individually and in  
his official capacity as Police Officer for the City of Marion  
Police Department; Simon Brown, individually and in his  
official capacity as Police Officer for the City of Marion  
Police Department; Michael Hartson, individually and in his  
official capacity as Police Officer for the City of Marion  
Police Department; Willie L. Smith, individually and in his  
official capacity as Chief of the City of Marion Police  
Department; Marion County Detention Center; Paul  
James, individually and in his official capacity as Director of  
the Marion County Detention Center; G. Timothy Harper,  
individually and in his official capacity as a member of the  
Marion County Council; Marion County; John Q.  
Atkinson, individually and in his official capacity as a  
member of the Marion County Council; Buddy Collins,  
individually and in his official capacity as a member of the  
Marion County Council; Simon Jenkins, individually and in  
his official capacity as a member of the Marion County  
Council; Thomas E. Shaw, individually and in his official  
capacity as a member of the Marion County Council; Milton  
W. Troy II, individually and in his official capacity as a  
member of the Marion County Council; Elista H. Smith,  
individually and in his official capacity as a member of the  
Marion County Council; Allen W. Floyd, individually and in  
his official capacity as a member of the Marion County  
Council; City of Marion,

Defendants.

## ORDER

On November 1, 2011, the plaintiff, Henry Pierce (“plaintiff”), proceeding pro se, filed this action pursuant to 42 U.S.C. § 1983. (Doc. # 1). The case was referred to United States Magistrate Judge Thomas E. Rogers, III pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and Local Rule 73.02(B)(2), DSC.

This matter now comes before this Court for review of the Report and Recommendation (“the Report”) filed by the Magistrate Judge to whom this case had previously been assigned. (Doc. # 22). On March 7, 2012, the Magistrate Judge issued the Report. In the Report, the Magistrate Judge recommends that the District Court partially dismiss the complaint in this case without prejudice as to defendant Marion County Detention Center. (Doc. # 22). The plaintiff filed no objections to the Report. Objections were due on March 26, 2012.

This Court is charged with conducting a de novo review of any portion of the Magistrate Judge’s Report and Recommendation to which a specific objection is registered, and may accept, reject, or modify, in whole or in part, the recommendations contained in that report. 28 U.S.C. § 636. In the absence of objections to the Report and Recommendation of the Magistrate Judge, this Court is not required to give any explanation for adopting the recommendation. See Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

The Court has carefully reviewed the Magistrate Judge’s Report and Recommendation. It is hereby **ORDERED** that the Magistrate Judge’s Report is **ACCEPTED**. (Doc. # 22). For the reasons articulated by the Magistrate Judge, the complaint in this case is partially dismissed without prejudice as to defendant Marion County Detention Center. The complaint is to be served on the remaining defendants.

**IT IS SO ORDERED.**

s/Terry L. Wooten  
United States District Judge

May 10, 2012  
Florence, South Carolina